

Message Text

CONFIDENTIAL

PAGE 01 STATE 196911

62 S
ORIGIN ARA-20

INFO OCT-01 ISO-00 L-03 CIAE-00 DODE-00 PM-07 H-03 INR-11

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 AID-20 IO-14 /130 R

DRAFTED BY ARA/USOAS-FJMCNEIL:BJF
APPROVED BY ARA - MR. BOWDLER
ARA/USOAS-AMB. MAILLIARD(DRAFT)
ARA - MR. SHLAUDEMAN
L/ARA - MR. GANTZ

----- 064463

R 072104Z SEP 74
FM SECSTATE WASHDC
TO AMEMBASSY BOGOTA
INFO AMEMBASSY BRASILIA
AMEMBASSY CARACAS
AMEMBASSY SAN JOSE

C O N F I D E N T I A L STATE 196911

E.O. 11652:GDS
TAGS:PFOR, OAS, CU, CO
SUBJECT: CUBAN SANCTIONS
REF: BOGOTA 7933

1. YOU WERE CORRECT IN SAYING THAT THE ORGAN OF CONSULTATION, EITHER MEETING AT THE LEVEL OF THE FOREIGN MINISTERS, OR WITH THE OAS PERMANENT COUNCIL ACTING PROVISIONALLY AS THE ORGAN OF CONSULTATION, REQUIRES A TWO-THIRDS VOTE FOR "DECISIONS" PER ARTICLE 17 OF THE RIO TREATY. ONLY QUESTIONS WHICH ARE BASICALLY OF PROCEDURAL IMPORT, (E.G., CONVOCATION OF THE ORGAN OF CONSULTATION), UNDER ARTICLES 13 AND 15 ARE EXEMPT FROM THIS REQUIREMENT. THESE REQUIRE ONLY AN ABSOLUTE MAJORITY.

2. HENCE, BOTH THE "DECISION" TO INSTITUTE "MEASURES" (E.G., SANCTIONS) IN ACCORDANCE WITH ARTICLE 8 OF THE

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 196911

TREATY AND THE DECISION TO LIFT OR MODIFY SUCH MEASURES

REQUIRES A TWO-THIRDS VOTE REGARDLESS WHETHER THE ORGAN OF CONSULTATION IS HELD AT THE LEVEL OF A MFM OR OF THE PERMANENT COUNCIL. YOU MAY CONFIRM THIS AS OUR INTERPRETATION TO LIEVANO.

3. FYI. WE ASSUME LIEVANO'S COMMENTS WERE LARGEMLY THE PRODUCT OF THE RECENTY OF HIS TENURE AND UNFAMILIARITY WITH THE INTRICACIES OF RIO TREATY PROCEDURES. THERE IS, AS YOU KNOW, A PROPOSAL BY ECUADOR TO AMEND THE RIO TREATY TO PROVIDE THAT THE LIFTING OF "MEASURES" COULD BE

ACCOMPLISHED BY AN ABSOLUTE MAJORITY. EVEN IF AGREEMENT IS REACHED ON A PROTOCOL, IT WOULD NOT ENTER INTO FORCE UNTIL RATIFIED BY TWO-THIRDS OF THE MEMBER STATES, A PROCESS WHICH WILL REQUIRE CONSIDERABLE TIME. THE LEGAL ARGUMENT AGAINST USING THE COUNCIL FOR FINAL OAS ACTION RESTS LARGEMLY ON THE FACT THAT THE TREATY CALLS IT THE "PROVISIONAL ORGAN". THE INTENT APPARENTLY WAS TO PERMIT THE COUNCIL TO ACT IN EMERGENCIES WHEN THERE WAS INSUFFICIENT TIME TO ASSEMBLE THE MINISTERS. HOWEVER, THERE IS NO LEGAL BAR TO ACTION BY COUNCIL AS PROVISIONAL ORGAN OF CONSULTATION. IN THE PAST THE COUNCIL HAS ACTED UNDER THE TREATY ON SPECIFIC ISSUES WITHOUT A MEETING OF MINISTERS EVER TAKING PLACE. END FYI.

KISSINGER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PFOR
Control Number: n/a
Copy: SINGLE
Draft Date: 07 SEP 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: shawdg
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE196911
Document Source: CORE
Document Unique ID: 00
Drafter: FJMCNEIL:BJF
Enclosure: n/a
Executive Order: RR
Errors: N/A
Film Number: n/a
From: SECSTATE WASHDC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740965/aaaacddg.tel
Line Count: 87
Locator: TEXT ON-LINE
Office: ORIGIN ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 74 BOGOTA 7933
Review Action: RELEASED, APPROVED
Review Authority: shawdg
Review Comment: n/a
Review Content Flags:
Review Date: 11 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <11 SEP 2002 by boyleja>; APPROVED <26 FEB 2003 by shawdg>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CUBAN SANCTIONS
TAGS: CU, CO, OAS
To: BOGOTA BRASILIA CARACAS SAN JOSE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005